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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,701	01/28/2005	David H. Evans	GB02 0120 US	1880

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EXAMINER

PHUONG, DAI

ART UNIT PAPER NUMBER

2688

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/522,701	Applicant(s) EVANS ET AL.	
	Examiner Dai A. Phuong	Art Unit 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/28/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims **1-16 and 18-19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims **1-16 and 18-19**, limitations, for example, (3.sub.1, 3.sub.2, 3.sub.3, 3.sub.4, 3.sub.5), within parentheses render the claim indefinite (not positive) as to whether **base stations or mobile stations**.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchner (Pub. No: 20040207510) in view of Hasegawa (U.S. 5862476)

Regarding claim 1, Buchner discloses a system for locating a mobile unit (4) including:

means (3.sub.1, 3.sub.2, 3.sub.3, 3.sub.4, 3.sub.5) for transmitting a first signal (24.sub.1) at a relatively high power (P.sub.1) (fig. 1 and fig. 2, [0030]. Specifically, Buchner discloses the *means* 40 transmit a first signal (TS1) with a predetermined power level);

means (3.sub.1, 3.sub.2, 3.sub.3, 3.sub.4, 3.sub.5) for transmitting a second signal (24.sub.2) at a predetermined, relatively low power (P.sub.1) (fig. 1 and fig. 2, [0031]. Specifically, Buchner discloses the *means* 20 transmit a second signal (TS2) with a predetermined power level);

means (4) for receiving said first signal (fig. 1 and fig. 2, [0030]. Specifically, Buchner discloses this first test signal is normally received by the transponder 20);

means (4) for determining a first signal strength of said first signal at said means for receiving said first signal (fig. 1 and fig. 2, [0030]. Specifically, Buchner discloses this first test signal is normally received by the transponder 20 in the step 42, in response to which the field strength of the first test signal is determined in the transponder 20, in the step 44. The transponder 20 sends a response signal in the step 46, with information about the field strength with which the first test signal was received);

means (4) for determining a second signal strength of said second received at received at said means for receiving said second signal (fig. 1 and fig. 2, [0031]. Specifically, Buchner discloses this second test signal TS2 is received by the base station 2 in the step 54, and the field strength with which the second test signal was received is determined in the step 56);

means (4) for determining whether said second signal strength exceeds a relatively high threshold level (P.sub.B) so as to locate the mobile unit within a known distance (R) of said means for transmitting said second signal (fig. 1 and fig. 2, [0032]).

However, Buchner does not disclose means (4) for determining whether said first signal strength exceeds a relatively low threshold level (P.sub.A) so as to determine whether service may be provided; means (4) for receiving said second signal.

In the same field of endeavor, Hasegawa discloses means (4) for determining whether said first signal strength exceeds a relatively low threshold level (P.sub.A) so as to determine whether service may be provided; means (4) for receiving said second signal (col. 8, lines, 23-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable transponder of Buchner by specifically including determining whether said first signal strength exceeds a relatively low threshold level (P.sub.A) so as to determine whether service may be provided; means (4) for receiving said second signal, as taught by Hasegawa, the motivation being in order to provide a radio line transmission is sufficient to supply the communication service.

Regarding claim 2, the combination of Buchner and Hasegawa disclose all the limitation in claim 1. Further, Buchner discloses a system wherein said relatively high power (P.sub.1) is at least 0 dBm ([0030]. It is obvious that the predetermined power level of the first signal TS1 could be modified to a desired power level).

Regarding claim 3, the combination of Buchner and Hasegawa disclose all the limitation in claim 1. Further, Buchner discloses a system wherein said relatively high power (P.sub.1) is at least 6 dBm, 13 dBm or 20 dBm ([0030]. It is obvious that the predetermined power level of the first signal TS1 could be modified to a desired power level).

Regarding claim 4, the combination of Buchner and Hasegawa disclose all the limitation in claim 1. Further, Buchner discloses a system said relatively low power (P.sub.2) is no more than 0 dBm ([0031]. It is obvious that the predetermined power level of the second signal TS2 could be modified to a desired power level).

Regarding claim 5, the combination of Buchner and Hasegawa disclose all the limitation in claim 1. Further, Buchner discloses a system wherein said relatively low threshold level (P.sub.A) is no more than -85 dBm ([0031]. It is obvious that the predetermined power level of the second signal TS2 could be modified to a desired power level).

Regarding claim 6, the combination of Buchner and Hasegawa disclose all the limitation in claim 1. Further, Buchner discloses a system wherein said relatively high threshold level (P.sub.A) is no less than -65 dBm ([0030]. It is obvious that the predetermined power level of the first signal TS1 could be modified to a desired power level).

Regarding claim 7, the combination of Buchner and Hasegawa disclose all the limitation in claim 1. Further, Buchner discloses a system wherein said means (3.sub.1, 3.sub.2, 3.sub.3, 3.sub.4, 3.sub.5) for transmitting said first and second signals transmit said first and second signals (24.sub.1, 24.sub.2) at different times ([0031]).

Regarding claim 8, the combination of Buchner and Hasegawa disclose all the limitation in claim 1. Further, Buchner discloses a system which is a wireless local area network (1) ([0025] to [0029]).

Regarding claim 9, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Buchner discloses a system wherein said means (3.sub.1, 3.sub.2, 3.sub.3, 3.sub.4, 3.sub.5) for transmitting said first signal (24.sub.1) is an access point ([0030]).

Regarding claim 10, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Hasegawa discloses a system wherein said means (3.sub.1, 3.sub.2, 3.sub.3, 3.sub.4, 3.sub.5) for transmitting said second signal (24.sub.2) is an access point (col. 5, lines 49-59).

Regarding claim 11, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Buchner discloses a system wherein said means (4) for receiving said first signal (24.sub.1) is a mobile unit ([0030]).

Regarding claim 12, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Hasegawa discloses a system wherein said means (4) for receiving said second signal (24.sub.2) is a mobile unit (col. 5, lines 49-59).

Regarding claim 13, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Hasegawa discloses a system wherein said means (4) for transmitting said first signal (24.sub.1) is a mobile unit (col. 5, lines 49-59).

Regarding claim 14, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Buchner discloses a system wherein said means (4) for transmitting said second signal (24.sub.2) is a mobile unit ([0030]).

Regarding claim 15, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Buchner discloses a system wherein said means (3.sub.1, 3.sub.2, 3.sub.3, 3.sub.4, 3.sub.5) for receiving said first signal (24.sub.1) is an access point ([0030]).

Regarding claim 16, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Hasegawa discloses a system wherein said means (3.sub.1, 3.sub.2, 3.sub.3, 3.sub.4, 3.sub.5) for receiving said second signal (24.sub.2) is an access point (col. 5, lines 49-59).

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 19, the combination of Buchner and Hasegawa disclose all the limitation in claim 1. Further, Buchner discloses an access point (3.sub.1, 3.sub.2, 3.sub.3, 3.sub.4, 3.sub.5) configured for use in the system according to claim 1 ([0025] to [029]).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2688
Date: 12-22-2005


GEORGE ENG
SUPERVISORY PATENT EXAMINER